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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,416	10/15/2003	David T. Fulton	9400-52	7295
36072 7590 03/03/2008 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER				
MANSFIELD, THOMAS L				
ART UNIT		PAPER NUMBER		
3623				
MAIL DATE		DELIVERY MODE		
03/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/686,416

Applicant(s)

FULTON ET AL.

Examiner

THOMAS MANSFIELD

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This First Office action is in reply to the Application filed on 15 October 2003.
2. Claims 1-30 are currently pending and have been examined.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 18-28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In order to be considered statutory, the claimed invention must be within one of the four statutory categories. Claim 18 recites, "*a module that is configured to...*". Claim 18 is directed to a module (i.e. software per se). Software per se is not within one of the four statutory classes and thus is rejected under 35 U.S.C. 101.

Claims 19-28 depend from claim 18 and contain the same deficiencies.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Weigel et al (Weigel), "Applying GIS and OR Techniques to Solve Sears Technician-Dispatching and Home-Delivery Problems", Institute for Operations Research and the Management Sciences, 0092-2102/99/2901/0112, 1999.

5.

6. **CLAIMS 1, 11, 18, 25, 29, and 30:**

With regard to Claims 1, 11, 18, 25, 29, and 30, Weigel teaches *a computer-based method, system and computer-product of evaluating performance of a service technician who performs multiple service dispatches (vehicle-routing-and-scheduling system), comprising:*

- *decomposing (preassign, dictate) a service dispatch (stop) into a series of tasks (service orders) (see at least page 115).*
- *determining planned times (travel time, stop time, service time) for tasks in the series (see at least pages 115-116).*
- *comparing, in a computer system (review and evaluate, routing options module), a service technician's actual times (stop times) to perform the series of tasks to the planned times (predefined amount) for the series of tasks (see at least page 117).*
- *generating, in the computer system, an evaluation (stop report) of the service technician's performance based upon the comparing (see at least page 116).*

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6. CLAIMS 2, 12, and 19:

With regards to Claims 2, 12, and 19, Weigel teaches *wherein the service dispatch is performed at a customer premises and wherein at least some of the tasks comprise driving to the customer premises and driving from the customer premises* (see at least page 116).

7. CLAIMS 3, 13, and 20:

With regard to Claims 3, 13, and 20, Weigel teaches *wherein actual times for driving to the customer premises and driving from the customer premises are determined based on data (ARC/INFO GIS) that is generated from a vehicle that is driven by the service technician* (see at least pages 1115-1116).

8. CLAIMS 4, 14, and 21:

With regard to Claims 4, 14, and 21, Weigel teaches *wherein the service technician begins daily dispatches from a service center (vehicle starting at the depot) and ends daily dispatches at the service center (returning to the depot) and wherein at least some of the tasks comprise performing beginning of day tasks at the service center and performing end of day tasks at the service center (parts depots, first picked up)* (see at least page 117).

9. CLAIMS 5, 15, and 22:

With regard to Claims 5, 15, and 22, Weigel teaches *wherein the determining planned times for tasks in the series comprises determining planned times based on whether the tasks are being performed in a rural, suburban or urban location* (service area covered had various geographic characteristics) (see at least page 125).

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10. CLAIMS 6, 16, and 23:

With regard to Claims 6, 16, and 23, Weigel teaches *wherein the decomposing a service dispatch into a series of tasks comprises decomposing a service dispatch into a series of daily, job-based fixed and job-based variable tasks* (Improving sequences and Routes) (see at least pages 121-122).

11. CLAIMS 7 and 26:

With regard to Claims 7 and 26, Weigel teaches *wherein the generating an evaluation (route report) comprises generating a comparison of total actual time worked in a day, compared to total planned time for the day, based on service dispatches for the day* (see at least page 116).

12. CLAIMS 8 and 27:

With regard to Claims 8 and 27, Weigel teaches *generating, in the computer system, a comparison of total number of demand service dispatches completed in a day, compared to total number of demand service dispatches for the day* (routing-summary report) (see at least page 116).

13. CLAIMS 9 and 28:

With regard to Claims 9 and 28, Weigel teaches *generating, in the computer system, an evaluation of the service technician's revision rate based upon a number of service dispatches that are not completed successfully on a first visit* (maximizes the completion of service calls on first attempt) (see at least pages 114 and 127).

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14. CLAIM 10:

With regard to Claim 10, Weigel teaches:

- comparing the service technician's actual times to perform the series of tasks in a given day to the planned times for the series of tasks (see at least page 117).
- wherein the generating comprises generating an evaluation of the service technician's performance for the given day based upon the comparing (see at least page 116).
- providing the evaluation to a supervisor (regional managers) of the service technician at a beginning of a business day that immediately follows the given day (see at least pages 117-118).

15. CLAIMS 17 and 24:

With regard to Claims 17 and 24, Weigel teaches wherein the comparing is performed daily based on the service technician's actual times to perform series of tasks for a previous business day (increased the number of service orders each technician completed per day) (see at least page 127).

Conclusion

16. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- McDonald et al (U.S. Pub. No. 2002/0077750) discloses a method and apparatus for providing automatic status information of a delivery operation.
- Smith et al (U.S. 7,110,745) discloses a mobile gateway interface.
- Gabbita et al (U.S. 6,349,238) discloses a system and method for managing the workflow for processing service orders among a variety of organizations within a telecommunications company.
- PR Newswire, "MobileForce and Insight Communications Announce Evaluation of Field Service Management Service", PR Newswire, New York, Feb. 28, 2001, pg. 1

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3623

15 February 2008
Thomas Mansfield

/Beth Van Doren/
Primary Examiner, Art Unit 3623